

REMARKS

Claims 8 and 37-49 are pending. Claims 8 and 37-42 are allowed, claim 47 is objected to, and claims 43-46, 48 and 49 stand rejected. In light of the following remarks, Applicant respectfully requests reconsideration and allowance of claims 43-49, in addition to claims 8 and 37-42.

Rejections under 35 U.S.C. § 102

The Examiner rejected claims 43-45 and 48-49 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,963,666 (the '666 patent). The Examiner stated that the '666 patent discloses methods for combining acid- and base-catalyzed crosslinking so as to produce gel materials of controllable degradability.

Applicant respectfully disagrees. Independent claim 43 recites a method that includes contacting the HA with a further amount of the first cross-linking agent or with a second cross-linking agent so as to form a second type of functional bond. The '666 patent fails to teach or suggest such a method. In fact, as noted by the Examiner at pages 3 and 4 of the Office Action, the '666 patent discloses methods for making a crosslinked material in which the final crosslinking is carried out after removal of excess, non-bound reagent. At no point, however, does the '666 patent teach or suggest a method that includes contacting crosslinked HA with a further amount of the crosslinking agent or with a second crosslinking agent so as to form a second type of functional bond. Thus, the '666 patent does not anticipate the present claims.

In light of the above, Applicant respectfully requests withdrawal of the rejection of claims 43-45 and 48-49 under 35 U.S.C. § 102(b).

Rejections under 35 U.S.C. § 103

The Examiner rejected claim 46 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the '666 patent as applied to claims 43-45 and 48-49 above. The Examiner stated that while the '666 patent does not explicitly teach the use of 1,2,3,4-diepoxybutane or 1,2,7,8-diepoxyoctane, the use of known members of classes of reagents in reactions to effectuate the

same type of modifications taught in the prior art is not seen to render the instantly claimed methods obvious over the art.

Applicant respectfully disagrees. Claim 46 depends from claim 43. As discussed above, the '666 patent fails to teach or suggest a method that includes contacting crosslinked HA with a further amount of the crosslinking agent or with a second crosslinking agent, as recited in present claim 43. Thus, the '666 patent does not render claim 46 obvious.

In light of the above, Applicant requests withdrawal of the rejection of claim 46 under 35 U.S.C. § 103(a).

Objections

The Examiner objected to claim 47 as being dependent from a rejected base claim. The Examiner stated that claim 47 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Claim 47 depends from claim 43. In light of the remarks presented herein, claim 43 is in condition for allowance. As such, Applicant respectfully requests withdrawal of the objection to claim 47.

Allowed Claims

Applicant acknowledges the allowance of claims 8 and 37-42.

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CONCLUSION

Applicant submits that claims 8 and 37-49 are in condition for allowance, which action is respectfully requested. The Examiner is invited to telephone the undersigned agent if such would further prosecution.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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